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14 Toshiba America, Inc.,
15 Toshiba America Consumer Products, LLC,
16 Toshiba America Information Systems, Inc.,
17 and Toshiba America Electronic Components, Inc.*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

16 IN RE: CATHODE RAY TUBE (CRT)
17 ANTITRUST LITIGATION

Case No. 07-5944 JST
MDL No. 1917

19 This Document Relates to:

20 Case No. 13-cv-1173-JST (N.D. Cal.)

21 SHARP ELECTRONICS CORPORATION;
22 SHARP ELECTRONICS
23 MANUFACTURING COMPANY OF
24 AMERICA, INC.,

25 Plaintiffs,

26 v.

27 HITACHI, LTD., *et al.*,

28 Defendants.

**DECLARATION OF
LUCIUS B. LAU IN SUPPORT OF
THE TOSHIBA DEFENDANTS'
NOTICE OF MOTION AND
MOTION TO CONTINUE TRIAL
SUBPOENA AND ISSUE
ADVERSE JURY INSTRUCTION
IN THE EVENT OF A FAILURE
TO APPEAR AT TRIAL**

DECLARATION OF LUCIUS B. LAU IN SUPPORT OF THE
TOSHIBA DEFENDANTS' NOTICE OF MOTION AND MOTION TO CONTINUE TRIAL SUBPOENA
AND ISSUE ADVERSE JURY INSTRUCTION IN THE EVENT OF A FAILURE TO APPEAR AT TRIAL

Case No. 07-5944-JST, MDL No. 1917

1 I, Lucius B. Lau, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, counsel for
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Consumer
4 Products, LLC, Toshiba America Information Systems, Inc., and Toshiba America Electronic
5 Components, Inc. (collectively, the “Toshiba Defendants”).

6 2. I submit this declaration in support of the Toshiba Defendants’ Motion to
7 Continue Trial Subpoena and Issue Adverse Jury Instruction in the Event of a Failure to
8 Appear at Trial. Except for those matters stated on information and belief, which I believe to
9 be true, I have personal knowledge of the facts stated herein, and I could and would
10 competently testify thereto if called as a witness.

11 3. Attached hereto as **Exhibit A** is a true and correct copy of a letter from Craig
12 Benson, counsel for the Sharp Plaintiffs, to the Hon. Vaughn R. Walker (Ret.), dated January
13, 2015.

14 4. Attached hereto as **Exhibit B** is a true and correct copy of a letter from Craig
15 Benson to the Hon. Vaughn R. Walker (Ret.), dated January 22, 2015.

16 5. Attached hereto as **Exhibit C** is a true and correct copy of a letter from Lucius
17 B. Lau to the Hon. Vaughn R. Walker (Ret.), dated January 29, 2015.

18 6. Attached hereto as **Exhibit D** is a true and correct copy of a letter from Craig
19 Benson to the Hon. Vaughn R. Walker (Ret.), dated March 13, 2015.

20 7. Attached hereto as **Exhibit E** is a true and correct copy of Notice of
21 Deposition of Nobuo Harada, dated April 16, 2015.

22 8. Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the
23 transcript of the deposition of Nobuo Harada, held on May 20- 21, 2015.

24 9. Attached hereto as **Exhibit G** is a true and correct copy of a letter from Lucius
25 B. Lau to Craig Benson, dated September 2, 2016.

26 10. Attached hereto as **Exhibit H** is a true and correct copy of an e-mail from Val
27 Glickman, a representative of Legal Retrieval Services, the process server that was contracted
28 to serve Mr. Harada with the updated trial subpoena, to JoAnn DiSanti, Associate Director of

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Case No. 07-5944-JST, MDL No. 1917

1 Managing Clerks at White & Case LLP, dated September 21, 2016.

2 11. On March 7, 2016, the Toshiba Defendants retained a process server in order
3 to serve Mr. Harada with a trial subpoena at the home address he identified during his May
4 20-21, 2015 deposition. Upon information and belief, after multiple failed attempts to serve
5 Mr. Harada with the subpoena during the week of March 9, 2016, the process server was
6 informed that Mr. Harada had moved from California to Memphis, Tennessee in January
7 2016.

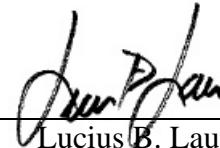
8 12. On March 16, 2016, after determining Mr. Harada's new address in Tennessee,
9 the Toshiba Defendants successfully served Mr. Harada with the trial subpoena.

10 13. On August 25, 2016, the Toshiba Defendants retained a process server in order
11 to serve Mr. Harada with an amended trial subpoena reflecting the new trial date in
12 Tennessee. Upon information and belief, after failing to serve Mr. Harada with the amended
13 subpoena at his home, the process server was informed by Sharp employees in Memphis,
14 Tennessee that Mr. Harada had retired on May 18, 2016, and returned to Japan.

15
16 I declare under penalty of perjury under the laws of the United States of America that the
17 foregoing is true and correct.

18 Executed this 6th day of October, 2016, in Washington, D.C.

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Lucius B. Lau

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